

Message

From: Beck, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=168ECB5184AC44DE95A913297F353745-BECK, NANCY]
Sent: 6/13/2019 8:06:23 PM
To: Wittenberg, Nicholas [wittenberg.nicholas@epa.gov]
Subject: RE: National Institute of Health FOIA Consultation for Carey Gillam, of U.S. Right to Know FOIA

Oh yes. thanks.

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSP
P: 202-564-1273
beck.nancy@epa.gov

From: Wittenberg, Nicholas
Sent: Thursday, June 13, 2019 4:03 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Subject: Re: National Institute of Health FOIA Consultation for Carey Gillam, of U.S. Right to Know FOIA

Sorry to clarify the slides have been released. I was just wanted to make sure your review of the 322 pages is complete?

Nicholas Wittenberg
Attorney-Advisor
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[1200 Pennsylvania Avenue, NW \(MC 7502P\)](#)
[Washington, D.C. 20460](#)
Phone: [\(703\) 347-8875](tel:(703)347-8875)
Email: wittenberg.nicholas@epa.gov

On Jun 13, 2019, at 3:59 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

I thought they were already released. Right?

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSP
P: 202-564-1273
beck.nancy@epa.gov

From: Wittenberg, Nicholas
Sent: Thursday, June 13, 2019 3:54 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Subject: RE: National Institute of Health FOIA Consultation for Carey Gillam, of U.S. Right to Know FOIA

No Problem. Just to clarify, your review is complete and we can release the documents including the slides?

Thank you,
Nick

From: Beck, Nancy
Sent: Thursday, June 13, 2019 3:01 PM
To: Wittenberg, Nicholas <wittenberg.nicholas@epa.gov>
Subject: RE: National Institute of Health FOIA Consultation for Carey Gillam, of U.S. Right to Know FOIA

Ok. thank you Nick!

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSP
P: 202-564-1273
beck.nancy@epa.gov

From: Wittenberg, Nicholas
Sent: Thursday, June 13, 2019 1:24 PM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>;
Miller, Wynne <Miller.Wynne@epa.gov>; Barber, Delores <barber.delores@epa.gov>; Syed, Hamaad
<Syed.Hamaad@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>; Bressant, Janet
<Bressant.Janet@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Subject: RE: National Institute of Health FOIA Consultation for Carey Gillam, of U.S. Right to Know FOIA

Hi Nancy,

Although we could not find the actual "Preliminary Data" slides that are included in the Power Point presentation on the NIEHS/NTP website, we are certain they were released by NIEHS, as part of the complete Power Point presentation, based upon their reply below and the email exchange between Earl & NIEHS they attached to the reply. Because the records are theirs, the determination to release them was their call.

Please let me know if you have any additional questions.

Thank you,
Nick

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From: Beck, Nancy
Sent: Thursday, June 13, 2019 11:46 AM
To: Wittenberg, Nicholas <wittenberg.nicholas@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Barber, Delores <barber.delores@epa.gov>; Syed, Hamaad <Syed.Hamaad@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>; Bressant, Janet <Bressant.Janet@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Subject: RE: National Institute of Health FOIA Consultation for Carey Gillam, of U.S. Right to Know FOIA

Thank you. This is helpful.

So what is the net net on the slides that refer to preliminary data? Do we have concerns with the release of those slides, even if they are not ours?

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator, OCSP
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From: Wittenberg, Nicholas
Sent: Thursday, June 13, 2019 11:07 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Barber, Delores <barber.delores@epa.gov>; Syed, Hamaad <Syed.Hamaad@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>; Bressant, Janet <Bressant.Janet@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Subject: RE: National Institute of Health FOIA Consultation for Carey Gillam, of U.S. Right to Know FOIA

Hi Nancy,

To follow up on this matter, we heard back from NIH.

The request concerns glyphosate. The PCB & PFAS information are in emails that originated at NIH. This was confirmed by doing an advanced search using those terms in the document. Because NIEHS is processing this request, although the emails may be non-responsive, it would be up to that office to make the determination.

The Power Point presentation was prepared by NIEHS/NTP and it has been released according to the reply below (noted in the red text of comments from NIH).

An advanced search for ONDCP was also and the only references to the that office were in the very first email in the document. According to NIEH they wanted EPA's input on the release of it (and the information concerning coca eradication attached to it) also.

FROM NIH:

"Please see our answers below in red. Please let us know if you have any further questions or concerns.

1. Can you provide information concerning the scope of the request or, if possible, a copy of the actual request from Ms. Gillam? Yes, see attached pdf document and email titled "RE: follow up to discussion re FOIA requests NIH 47876 and NIH 50468" that are actually for two different FOIA requests that she submitted and subsequently allowed us

to merge together. Combined these reflect the full scope, although Ms. Gillam also agreed to let us provide certain portions and give her a chance to determine if sufficiently satisfied her request or let us know that we needed to provide additional records.

2. The attached email originated here at EPA, however, the attachment consists of a Power Point presentation that appears to have been prepared by NIH. Can you confirm this? Yes, the PowerPoint was created by NIEHS, specific to NIEHS/NTP. In case it's helpful, attached is the correspondence with Earl (Ingram) discussing this attachment in particular is attached for reference (and it's been provided to the requester as reflected in the records shared with Earl on April 25 before that disclosure on May 1)
3. The first page of the document sent to us for consultation is an email that originated at the White House Office of National Drug Control Policy (ONDCP). Were they given the opportunity to review their records for release? Yes, separate outreach was sent to that office - however, they did note that they felt your agency should review as well (specific to the attachment)."

Let me know if there are any additional questions.

All the best,
Nick

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1200 Pennsylvania Avenue, NW (MC 7502P)
Washington, D.C. 20460
Phone: (703) 347-8875
Email: wittenberg.nicholas@epa.gov

From: Wittenberg, Nicholas
Sent: Wednesday, June 12, 2019 9:26 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>;
Miller, Wynne <Miller.Wynne@epa.gov>; Barber, Delores <Barber.Delores@epa.gov>; Syed, Hamaad
<Syed.Hamaad@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>; Bressant, Janet
<Bressant.Janet@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Subject: RE: National Institute of Health FOIA Consultation for Carey Gillam, of U.S. Right to Know FOIA

Good Morning Nancy,

Thank you for your attention to the subject FOIA consultation request from NIH. The records provided to our office for review were determined to be responsive to Ms. Gillam's request by the NIEHS FOIA Office at NIH. Although we were given no additional details concerning the request, other than what was described in email that accompanied the records (attached), we will contact the NIEHS FOIA office to get more details about the nature of the request. Since NIEHS is processing the FOIA request, it is their responsibility to ensure that the appropriate offices are notified and given the opportunity to review any records that originated within their office, however, when contacting NIEHS about the nature of Ms. Gillam's request, we will also ask if ONDCP was notified concerning their emails.

We will check into the information on page 103 and respond back to you as soon as possible.

Thank you,
Nick

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From: Beck, Nancy
Sent: Wednesday, June 12, 2019 7:51 AM
To: Wittenberg, Nicholas <wittenberg.nicholas@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>
Cc: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Barber, Delores <barber.delores@epa.gov>; Syed, Hamaad <Syed.Hamaad@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>; Bressant, Janet <Bressant.Janet@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
Subject: RE: National Institute of Health FOIA Consultation for Carey Gillam, of U.S. Right to Know FOIA

Thank you Nick.

What is the nature of the FOIA request? I thought it was glyphosate but there are also some PCB documents being released and some PFAS information that seem to be on emails completely separable from the glyphosate issue (some emails not all). Perhaps this information is non-responsive if the request is just glyphosate?

A few comments:

-Has ONDCP reviewed to ensure we are not releasing any sensitive materials regarding the Colombia situation? We should ensure their review.

-page 103 says we are sharing preliminary data that should not be shared. Are those data redacted in the slides?

Thanks,
Nancy

Nancy B. Beck, Ph.D., DABT
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
P: 202-564-1273
beck.nancy@epa.gov

From: Wittenberg, Nicholas

Sent: Tuesday, June 11, 2019 11:23 AM

To: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>

Cc: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>;

Miller, Wynne <Miller.Wynne@epa.gov>; Barber, Delores <barber.delores@epa.gov>; Syed, Hamaad

<Syed.Hamaad@epa.gov>; Ingram, Earl <Ingram.Earl@epa.gov>; Bressant, Janet

<Bressant.Janet@epa.gov>

Subject: National Institute of Health FOIA Consultation for Carey Gillam, of U.S. Right to Know FOIA

Importance: High

Good Afternoon Charlotte and Nancy,

Before we send out the Awareness Notification Email under the new guidelines as detailed in the FOIA Efficiency Memo we are sending this OCSP Equity Notification Email.

The Office of Pesticides Programs (OPP) is responding to the above-referenced FOIA National Institute of Health Consultation for Carey Gillam, of U.S. Right to Know FOIA

I. Scope of the Request:

The National Institute of Environmental Health Sciences (NIEHS) at NIH is processing a request for Carey Gillam, of U.S. Right to Know. Among the email correspondence determined by NIEHS to be responsive to Ms. Gillam's request are some that originated in OPP and ORD. Those records were provided to OPP for the opportunity to identify any information that is confidential under the FOIA. Upon completion of OPP's review, the records were forwarded to ORD for the opportunity to identify any information in their records that is confidential under the FOIA.

II. Description of the Production:

One document, with a total of **322 pages**. The document has NIEHS redactions are (yellow translucent) and EPA Redactions are (OPP-Black Background/White Text; ORD-Yellow Background/Black Text).

Please find the link below for the production:

https://usepa-my.sharepoint.com/:b:/g/personal/wittenberg_nicholas_epa_gov/Ef7cZn374gFARMI_HYyA7NEBy654mTNGUNnVZnQ9FriXlg?e=LfoeFa

III. Deadline for Review:

This matter is scheduled for production **06/14/2019**. Thus, please provide me with your final comments on the proposed production by **06/13/2019**, so that we can then send of the Awareness Review Email to the entire identified group.

To expedite the review, please find the particular pages below in which EPA custodians appear.

Page 21 – 9/19/18 emails from Anna Lowit to Michael Devito
Page 30 – 9/17/18 emails from Earl Ingram to Michael Devito
Page 31 – 9/17/18 emails from Khue Nguyen to Michael Devito
Page 33 – 9/17/18 email from Earl Ingram to Khue Nguyen
Page 34 – 9/17/18 email from Khue Nguyen to Michael Devito
Page 36 – 9/17/18 email from Khue Nguyen to Michael Devito

Page 46 – 5/9/18 email from Richard Keigwin to Anna Lowit
Page 58 – 11/9/17 – emails from Anna Lowit to Michael Devito
Pages 60-61 – 11/8/17 emails from Anna Lowit to Michael Devito
Pages 69-70 – 10/20/17 emails from Anna Lowit, Richard Keigwin, Nancy Beck & Edward Ohanian
Pages 87-88 – 10/17/17 emails from Anna Lowit, Christine Olinger & George Kramer
Page 89 – email from Khue Nguyen
Pages 113-115 – 9/8/17 emails from Khue Nguyen
Page 116 – 9/8/17 email from Khue Nguyen
Page 146 - 4/12/17 emails from Anna Lowit and Richard Keigwin
Pages 147-148 – 3/10/17 emails from Anna Lowit
Pages 149-150 – emails from Anna Lowit & Monique Perron
Page 157 – 1/19/17 email from Khue Nguyen
Page 160 – 1/19/17 email from Anna Lowit
Pages 161-162 – 1/19/17 emails from Anna Lowit & Khue Nguyen
Pages 164-165 – 1/19/17 emails from Anna Lowit
Page 166 – 1/17/17 email from Khue Nguyen
Page 168 – email from Khue Nguyen
Page 169 – 1/17/17 email from Khue Nguyen
Pages 200-202 - 1/17/17 emails from Khue Nguyen
Pages 204-205 – 1/17/17 emails from Khue Nguyen
Page 207 – email from Khue Nguyen
Page 209 – 1/9/17 email from Khue Nguyen
Pages 212-215 – emails from Khue Nguyen
Pages 216-217- emails from Khue Nguyen
Page 219 – 8/11/16 email from Khue Nguyen
Page 220 – 12/19/16 email from Anna Lowit
Pages 221-223 – emails from Khue Nguyen
Page 224 – 8/11/16 email from Khue Nguyen
Pages 224-225 – email from Khue Nguyen
Pages 227-229 – emails from Khue Nguyen
Pages 230 – 8/11/16 email from Khue Nguyen
Page 231 – 12/12/16 – email from Anna Lowit
Pages 232-233 – 11/18/16 emails from Anna Lowit
Page 234 – 11/17/16 email from Steven Knott
Pages 235-238 – emails from Anna Lowit & Steven Knott
Pages 241-242 – emails from Anna Lowit & Khue Nguyen
Pages 244-246 – emails from Kaythi Han
Page 247 – email from Monique Perron
Pages 249-253 – emails from Monique Perron & Kaythi Han
Pages 254-255 – emails from Charles Smith & Khue Nguyen
Page 262 – emails from Anna Lowit & Neil Anderson
Page 266 – email from Anna Lowit
Page 273 – email from Anna Lowit
Pages 276-277 – emails from Khue Nguyen
Pages 279-283 – emails from Steven Knott
Page 285 – emails from Chris Northern & Anna Lowit
Pages 290-293 – emails from Anna Lowit
Pages 295-297 – emails from Anna Lowit, Monique Perron & Dana Vogel
Page 300 – email from Anna Lowit
Page 302 – email from Charles Smith
Page 305 – email from Charles Smith
Page 307 – email from Charles Smith

Pages 309-310 – email from Charles Smith
Pages 312-313 – emails from Charles Smith
Page 320 – email from Jack Housenger
Page 322 – email from Anna Lowit

Please let me know if there are any questions.

All the best,
Nick

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